

**DOWNEY  
BRAND  
SEYMOUR  
& ROHWER**

ATTORNEYS • LLP  
ESTABLISHED 1926

555 CAPITOL MALL  
10TH FLOOR  
SACRAMENTO, CA 95814-4686  
TELEPHONE (916) 441-0131  
FAX (916) 441-4021

GEORGE BASYE

July 12, 1999

The Honorable Doug Ose  
US House of Representatives  
1508 Longworth House Office Bldg.  
Washington, DC 20515

Re: **North Delta Wild Life Refuge**

Dear Doug:

This is a follow up to our discussion at Vic's on Saturday morning, June 12, 1999, before I left on vacation, regarding the proposed North Delta Wild Life Refuge.

I greatly appreciate your concern that the counties and local agencies be assured, in connection with any authorization of this project, that their revenue from taxes and assessments on the property currently held in private ownership will not be interrupted. Provision should be appropriately made for such payments from the operator of the federal program.

Your position that there must be a "safe harbor" to protect the adjacent landowners against adverse impacts is also much appreciated. An example would be the refuge attracting an additional quantity of delta smelt into this area, which would then create problems for the adjacent diverters who are pumping from the channels in the vicinity of the wildlife refuge. This should also be taken care of in any authorization to pursue this project.

As to the extent of the refuge, it would seem the most logical area would include Liberty Island and the portion of the Little Holland tract lying west of the deep water ship channel. These two parcels are subject to the intrusion of flood water, as the levees have failed and not been restored. In the case of the Little Holland tract, that resulted from the Corps of Engineers prohibiting restoration of the levee which the landowner attempted some years ago.

It would also be appropriate to include what is called "Little Hastings," a parcel of approximately 200 acres. This is located at the southeasterly tip of the larger Hastings Tract, which certainly should not be included. (See map enclosed.)

A portion of the original Prospect Island is located west of the Deep Water Ship Channel and is not reclaimed. That consists of about 300 acres owned by the Sacramento-Yolo Port District. The Port District also has approximately 320

acres east of the ship channel at the lower end of Prospect Island. The northern portion of Prospect Island is already under the ownership of the U.S. Bureau of Reclamation. (See map enclosed.)

The Port District would be interested in having the portion of its property lying west of the ship channel included in the refuge, but wishes to be compensated for its appropriate value. The Port District believes that these lands would have value for potential mitigation property, which now is in considerable demand. The same concept of value is no doubt held by the owners of Little Holland, Liberty Island, and Little Hastings.

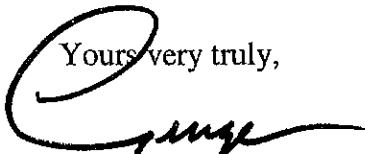
As to the portion of the Port's property lying east of the ship channel, the Port hopes to use this area for mitigation and disposal in conjunction with the much needed deepening of its ship channel, which has yet to be accomplished. The Port would be interested in having this property acquired at an appropriate value as well after it has been able to utilize these lands for the mitigation and disposal resulting from its much desired channel deepening project.

Beyond the parcels identified above and shown on the enclosed map, comprising about 8,000 acres, it would appear questionable whether the refuge should involve additional areas lying to the north of Liberty Island and Little Holland. These are largely privately owned duck clubs, the owners of which would probably prefer to continue their present usage rather than be acquired as part of the refuge. There are of course some portions of land within the Yolo Bypass but already held in public ownership that might be appropriate for incorporation, but additional acquisition of private land but would not seem to be appropriate beyond those listed above.

Your assistance and cooperation to the local landowners and agencies regarding the development of this preserve are greatly appreciated.

Kindest regards.

Yours very truly,



George Basye

GB:jrd  
Enclosure

cc: Congressman Ose, Sacramento Office  
#276661.1

# Alternative 2 - (7,800 Acres)

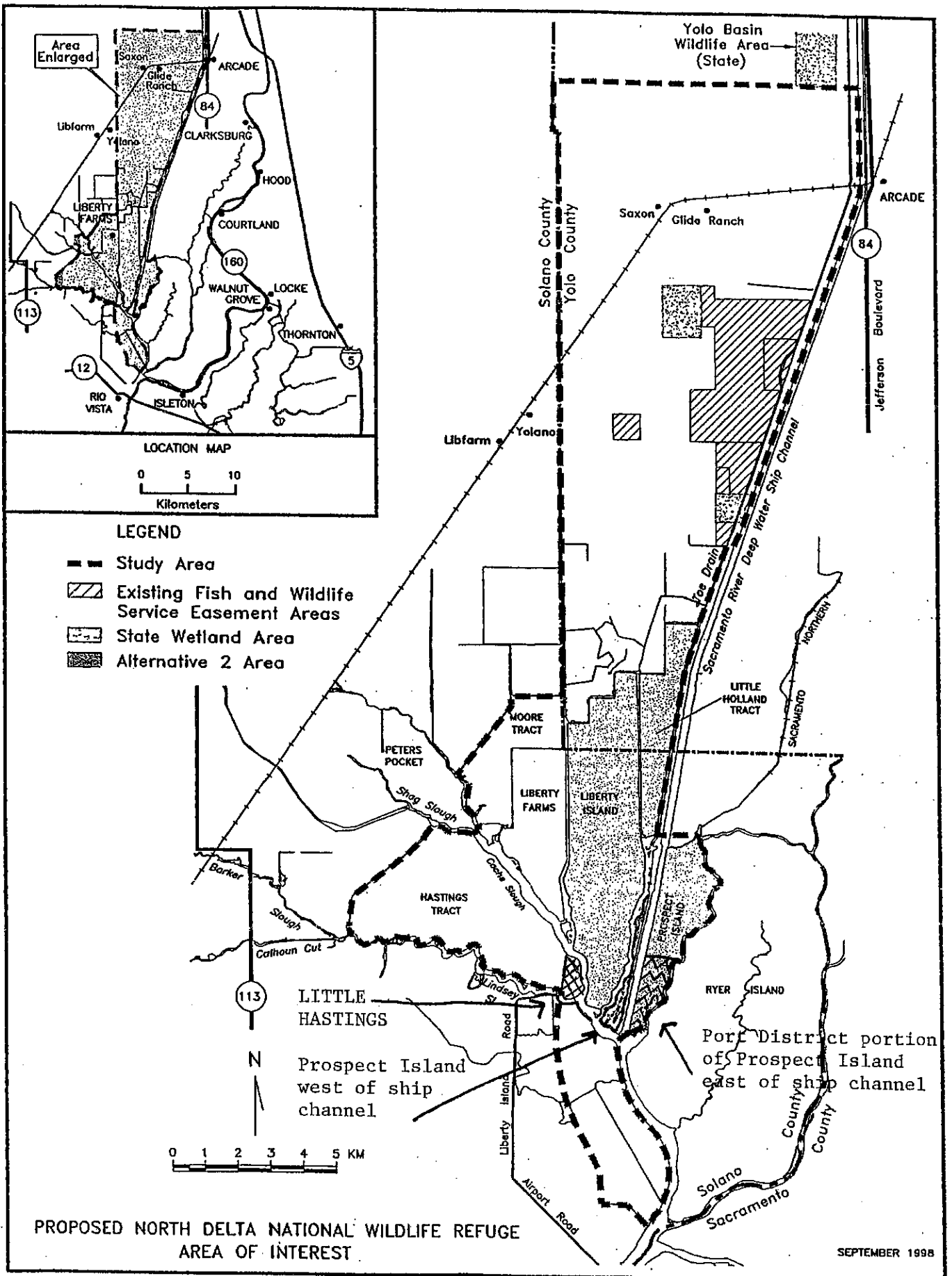


Figure 2